

**REMARKS**

Initially, Applicants express appreciation to the Examiner for the detailed Official Action provided. Furthermore, Applicants express appreciation to the Examiner for the acknowledgment of Applicants' Claim for Priority and Receipt of the certified copy of the priority documents in the Official Action, and for the acknowledgment of Applicants' Information Disclosure Statement (IDS) filed on August 23, 2006 by return of the Forms PTO-1449. Additionally, Applicants would also like to express appreciation to the Examiner for the indication on Page 5 of the Official Action that claims 5 and 6 contain allowable subject matter.

Furthermore, Applicants express appreciation to the Examiner and the Supervisory Patent Examiner for the courtesies extended by the Examiner and the Supervisory Patent Examiner to Applicants' representatives, Steven Wegman and James Bonnamy, during a telephone interview on November 25, 2008. During the interview, Applicants' representatives and the Examiner discussed the outstanding rejection of the claims under 35 U.S.C. § 103(a). Specifically, Applicants' representatives and the Examiner discussed the recitation in claim 1 of "the package manager sets the third file to read-only when the application requests generation of the new package information" with Applicants' representatives submitting that the feature is neither disclosed or suggested by the applied act of record. In this regard, the Examiner preliminarily acknowledged that the above-listed recitation of claim 1 does not appear to be disclosed by the applied references. However, the Examiner noted that the applied references may need to be reviewed more thoroughly and/or an additional search of the prior art may be necessary.

As an additional initial matter, in the outstanding Official Action, the Examiner inadvertently failed to indicate the acceptability of the submitted drawings in the application. Absent an indication to the contrary in the next official communication, Applicants believe that the filed drawings are acceptable, and respectfully request such an indication in the next official communication.

Upon entry of the present paper, claims 1 and 3-11 are currently pending, of which claim 1 is an independent claim. Claims 1 and 11 are amended to place the claims in better U.S. form, without changing the scope of the claims. In view of the herein-contained remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection. Such action is respectfully requested and is believed to be appropriate and proper.

**Rejection under 35 U.S.C. 103(a)**

In the outstanding Official Action, claims 1, 3-4, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. Appl. No. 2004/0240863 to NISHIZAWA in view of U.S. Pat. Appl. No. 2001/0002846 to ONISHI and U.S. Pat. No. 6,553,180 to KIKUCHI et al.

In this regard, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103(a). Specifically, with respect to independent claim 1 (i.e., the only independent claim pending in the present application), Applicants respectfully assert that NISHIZAWA, ONISHI, and KIKUCHI, whether considered alone or in any proper combination thereof, fail to disclose or render obvious a playback apparatus at least including a package manager which sets a third file to read-only when an application requests generation of the new package information, as required by pending claim 1.

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Claim 1 is generally directed to a playback apparatus for playing a digital stream in conjunction with an application executing in the playback apparatus. The playback apparatus includes a package manager which is operable to generate package information by merging a first file with a second file. A selector is operable to detect a plurality of titles from the package information and to select one of the titles as a current title. A playback controller is operable to control playback of the digital stream associated with the current title, and an application executor is operable to execute an application associated with the current title. Accordingly, the digital stream is capable of being played in conjunction with the application. However, as recited by claim 1, the application is operable to request the package manager to generate new package information using new merge management information, the new merge management information referencing a third file for merging with the first file. In this situation, the package manager sets the third file to read-only when the application requests generation of the new package information, and the package manager generates the new package information when the digital stream playback stops due to a change of the current title.

In this regard, by generating the new package information when the digital playback stream stops, the playback apparatus of claim 1 provides the advantageous effect of enabling new package information to be generated while avoiding problems, such as abnormal playback and blackout, due to the update to the new package information during playback. Furthermore, setting the third file to read-only when the application requests generation of the new package information provides the advantageous effect of prohibiting the third file from being accidentally deleted before

the playback stops, thereby avoiding the situation where the package information is attempted to be generated with the use of a non-existent file.

Contrary to the playback apparatus of Applicants' claim 1, NISHIZAWA merely discloses a recording apparatus which combines two files to generate a third file (*see* NISHIZAWA, para. [0059]). NISHIZAWA does not disclose at least the package manager as recited by Applicants' claim 1, which sets the third file to read-only when the application requests generation of the new package information. Furthermore, NISHIZAWA does not even disclose setting any file to read only and cannot reasonably be found to teach or render obvious setting a third file to read-only when an application requests generation of new package information.

To provide for such a limitation, the Examiner asserts, on page 3 of the outstanding Official Action, that ONISHI discloses the package manager setting the third file to read-only when the application requests generation of the new package information. Applicants respectfully traverse this assertion. Applicants submit that ONISHI merely teaches writing a file in a controlled device with a controlling device wherein the controlling device can set certain bits of an attribute byte field of the file to be written in the controlled device. The attribute byte field simply stores attribute information of the file to be written. For example, a bit of the attribute byte field can indicate if the file is read-only, another bit can indicate if the file is hidden, another bit can indicate if the file is a system file, etc. (*see* ONISHI, paras. [0097]-[0099]). In other words, Applicants submit that ONISHI merely discloses writing a read-only file. ONISHI does not disclose or suggest the desirability the limitation of claim 1 of setting the third file to read-only when the application requests generation of the new package

information. Furthermore, ONISHI does not even disclose requesting the generation of new package information using new merge management information referencing the file written by the controlling device in the controlled device. Therefore, ONISHI cannot reasonably be found to disclose or render obvious setting the third file to read-only when the application requests generation of the new package information.

In addition to the arguments set forth above, Applicants assert that KIKUCHI fails to disclose or suggest that which is lacking in NISHIZAWA and ONISHI. Specifically, Applicants assert that KIKUCHI fails to disclose or suggest setting the third file to read-only when the application requests generation of the new package information. In this regard, Applicants submit that KIKUCHI fails to disclose or suggest setting any file to read-only. Accordingly, Applicants assert that even if one attempted to combine NISHIZAWA, ONISHI and KIKUCHI in the manner suggested by the Examiner, one would not arrive at the playback apparatus as recited by claim 1. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §103 rejection of claim 1.

With respect to the Examiner's rejection of dependent claims 3-4 and 7-11, Applicants assert that these claims are all directly dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*. Thus, the dependent claims are submitted to also be allowable for at least the reasons discussed *supra*. Furthermore, all dependent claims recite additional features which further define the present invention over the references of record.

Thus, Applicants respectfully assert that each and every pending claim of the present application meets the requirements for patentability at least under 35 U.S.C. §

103(a), and respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

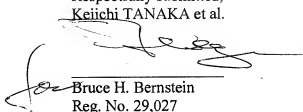
**CONCLUSION**

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or renders obvious the present invention, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Keiichi TANAKA et al.



Bruce H. Bernstein  
Reg. No. 29,027

**Steven Wegman**  
**Reg. No. 31,438**

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

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